

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: TESTOSTERONE
REPLACEMENT THERAPY PRODUCT
LIABILITY LITIGATION**

MDL No.: 2545

Master Docket Case No. 1:14-cv-01748

Hon. Judge Kennelly

This document applies to:

*Charles Marsee v. Auxilium
Pharmaceuticals, Inc.,
Case No.: 1:14-CV-1272*

**SUGGESTION OF DEATH UPON THE RECORD AND UNOPPOSED MOTION TO
SUBSTITUTE PROPER PARTY**

NOW COMES, Counsel for Plaintiff CHARLES MARSEE, KATHLEEN C. CHAVEZ, of FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC, submits the following Suggestion of Death Upon the Record of Plaintiff CHARLES MARSEEE and in so doing, states as follows:

1. On or around March 18, 2019, Counsel for Plaintiff was advised that Mr. Marsee died.
2. Plaintiff Charles Marsee died on or around February 28, 2019.
3. Counsel has not yet been provided with a Certificate of Death.
4. Plaintiff was unmarried at the time of his death.
5. Fed. R. Civ. P. 25(a)(1) provides as follows: If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

6. Plaintiff's Counsel has been in contact with Plaintiff's daughter, Norma Marsee, who desires to be substituted as the proper party to proceed on Plaintiff's behalf.

7. Pursuant to Fed. R. Civ. P. 25, Plaintiff's daughter, Norma Marsee, should be substituted as the proper party for the decedent.

WHEREFORE, Plaintiff's Counsel respectfully requests that, in accordance with Fed. R. Civ. P. 25, this honorable Court substitute Plaintiff's daughter, Norma Marsee, as the proper party for the decedent.

Dated: April 10, 2019

Respectfully submitted,

/s/Kathleen C. Chavez
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2019, I electronically filed the foregoing document with the clerk of court for the U. S. District Court for the Northern District of Illinois – Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/Kathleen C. Chavez
Kathleen C. Chavez